

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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CARL BRUCE FANNING and
BRONDENA FANNING,

)

Plaintiffs,

)

vs.

)

CASE NO: 2:05cv1121-MHT

NATIONAL CARRIERS, INC., BRUCE
NORMAN, JR. and ALLSTATE
INSURANCE COMPANY,

)

Defendants.

)

CLERK R. HACKETT, CLERK
MIDDLE DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

MOTION TO EXERCISE ELECTION AND
OPT OUT OF LITIGATION

COMES NOW the Defendant, Allstate Insurance Company, (hereinafter "Allstate") and hereby exercises its election not to participate in the trial of the above-styled case and as grounds therefore shows unto the Court as follows:

1. Allstate is the uninsured/underinsured motorist carrier of the Plaintiffs, Carl Bruce Fanning and Brondena Fanning.
2. Allstate respectfully moves the Court for an Order allowing it to opt out of this litigation and not participate in the trial of this matter pursuant to Lowe v. Nationwide Ins. Co., 521 So. 2d 1309 (Ala. 1988).
3. Allstate agrees to be bound by the verdict of the jury and agrees to pay any judgment in accordance with its policy or policies of insurance and within the limits of said policy or policies.

WHEREFORE, the premises considered, Allstate Insurance Company respectfully requests this Court enter an Order allowing it to opt out of this litigation.

Respectfully submitted,


EDWARD C. HIXON (Ala. Code HIX003)
ATTORNEY FOR DEFENDANT
ALLSTATE INSURANCE COMPANY

OF COUNSEL:

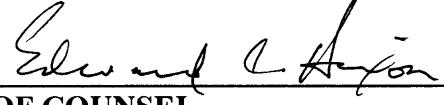
SLATEN & O'CONNOR, P.C.
Winter Loeb Building
105 Tallapoosa Street, Suite 101
Montgomery, Alabama 36104
Ph: (334) 396-8882
Fax: (334) 396-8880

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing **Motion** by placing a copy of the same in the United States Mail, postage prepaid, to the following on this the 24th day of March, 2006:

Julia A. Beasley, Esq.
BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.
P. O. Box 4160
Montgomery, Alabama 36103-4160

Robert C. Black, Jr., Esq.
HILL, HILL, CARTER, FRANCO,
COLE & BLACK, P.C.
425 South Perry Street
P. O. Box 116
Montgomery, Alabama 36101-0116


Edward C. Hixon
OF COUNSEL